

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES J. BERNIER,

Defendant.

Case No. 23-CR-122-JPS

**ORDER**

On June 27, 2023, the grand jury returned a three-count Indictment charging Defendant with violations of 18 U.S.C. §§ 2251(a), 2251(e), 2252A(a)(5)(B), 2252A(b)(2), and 2256(8)(A). ECF No. 1. On February 23, 2024, the Government filed an Information charging Defendant with one count in violation of 18 U.S.C. §§ 2252A(a)(2)(A), 2252A(b)(1), and 2256(8)(A). ECF No. 16. Also on February 23, 2024, the parties filed a plea agreement indicating that Defendant agreed to plead guilty to the count charged in the Information. ECF No. 15.

The parties appeared before Magistrate Judge Stephen C. Dries on March 12, 2024 to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. ECF No. 18. Defendant entered a plea of guilty as to the count charged in the Information. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Dries determined that the guilty plea was knowing and voluntary, and that the offenses charged were supported by an independent factual basis containing each of the essential elements of the offenses. *Id.*

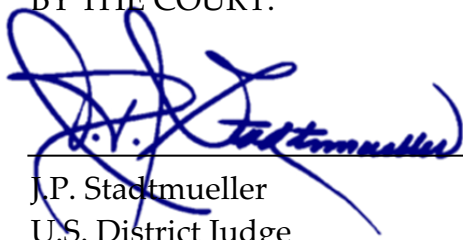
On March 12, 2024, Magistrate Judge Dries filed a Report and Recommendation with this Court, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. *Id.* Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *Id.* To date, no party has filed such an objection. The Court has considered Magistrate Judge Dries's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

**IT IS ORDERED** that Magistrate Judge Stephen C. Dries's Report and Recommendation, ECF No. 18, be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 2nd day of April, 2024.

BY THE COURT:



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J.P. Stadtmueller  
U.S. District Judge